

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

NO. 7:22-CV-178-FL

LAURIE REYNOLDS, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	ORDER
	)	
UNITED STATES GOVERNMENT, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on motions for extension of time filed by plaintiffs Glenda Cody, Russ E. Cody, and Raymond Sipult (DE 649, 650) to file a response to the court’s August 21, 2023, order to show cause why dismissal for failure to serve remaining defendants is not warranted. Also before the court are responses filed by said plaintiffs regarding proof of service. (DE 651, 652).

A. Motions for Extension of Time

Plaintiffs Glenda Cody and Russ E. Cody seek an extension of time of 12 weeks due to “health related issues,” including with reference to the Family and Medical Leave Act and an upcoming appointment with the Social Security Administration for Glenda Cody “for disability due to a medical emergency for necessity to be placed on benefits.” (DE 649 at 1-2). Plaintiff Raymond Sipult also seeks an extension of time, also in reference to the Family and Medical Leave Act and a disability, as well as the need to care for immediate family members. Moving plaintiffs, however, have not shown why unspecified health related issues and referenced disabilities require an extension of time to file a response regarding dismissal for failure to serve remaining

defendants. In addition, moving plaintiffs have, in fact, filed responses to the court's order regarding proof of service. Therefore, in light of reasons for dismissal of claims set forth in the court's August 21, 2023, order, considered in conjunction with the obligation of the court "to secure the just, speedy, and inexpensive determination of every action and proceeding," under Federal Rule of Civil Procedure 1, the court does not find good cause for an extension of time. Therefore the instant motions for extension of time are DENIED, and the court proceeds to consider the responses to the court's August 21, 2023, order that have been filed.

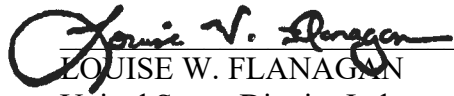
B. Responses to the Court's August 21, 2023, Order

Plaintiffs Glenda Cody and Russ E. Cody have filed a response to the court's August 21, 2023, order, including United States Postal Service receipts and tracking forms for former defendants William Clark, St. Francis Ministries, and Laura Kelly, Governor of Kansas. Plaintiff Sipult has filed summonses pertaining to the same former defendants, in addition to defendant Sedgwick County Kansas. With respect to former defendants, moving plaintiffs' responses are inapposite and moot because those defendants already have been dismissed for reasons stated in the court's August 21, 2023, order. With respect to defendant Sedgwick County Kansas, plaintiff Sipult has not proven service on this defendant by the means specified in his summons, where service instead must be effected, if at all, in accordance with Federal Rule of Civil Procedure 4(j)(2). See Kans. Stat. § 60-304(d)(1). He also has not shown good cause why dismissal for failure to serve Sedgwick County Kansas is not warranted.

Therefore, pursuant the court's August 21, 2023, order, all remaining defendants are DISMISSED WITHOUT PREJUDICE for failure to serve, and for failure to show good cause for the same, under Rule 4(m). The clerk is DIRECTED to close this case.

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SO ORDERED, this 19th day of September, 2023.

  
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LOUISE W. FLANAGAN  
United States District Judge